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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/436,219 11/09/99 NAGAE

A 104721

EXAMINER

PM82/0523

OLIFF & BERRIDGE PLC
P O BOX 19928
ALEXANDRIA VA 22320

BURCH, M

ART UNIT

PAPER NUMBER

3613

13

DATE MAILED:

05/23/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/436,219

Applicant(s)

NAGAE ET AL.

Examiner

Melody M. Burch

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4 is/are rejected.
- 7) ☒ Claim(s) 3, 5 and 6 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Harada et al. (JP 10-278762) (corresponding to U.S. Harada et al. 6081761 throughout the office action for column and line numbers) in view of Mine et al. Harada et al. disclose a control device of a vehicle having a vehicle body, wheels, a steering system, and a brake system, the device comprising: a means for providing a first parameter quantity indicative of a rolling amount of the vehicle or turning speed as disclosed in the last four lines of the abstract, a means for providing a second parameter quantity of a change rate of a variable amount of a vehicle body or lateral acceleration as disclosed in col. 13 lines 48-51, and a means for controlling the brake system such that a target deceleration occurs when the first parameter quantity exceeds a threshold value as disclosed in the last four lines of the abstract, the target deceleration being controlled according to an increase of the second parameter quantity or lateral acceleration as disclosed in col. 13 lines 48-51, but does not disclose that the target deceleration control performed as a function of the increase in the second parameter includes increasing the target deceleration from a predetermined minimum value to a predetermined maximum.

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Mine et al. teach in col. 24 lines 1-20 a vehicle maneuvering control system in which a step in the target deceleration control includes increasing the target deceleration from a value D1 to a value D2 with D1 being the minimum value of the two values and D2 being the maximum value of the two values. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the target deceleration control performed as a function of the increase in the second parameter of Harada et al. to include a step in which the target deceleration is increased from a minimum value to a maximum value, as taught by Mine et al., in order to provide adequate braking as the vehicle experiences environmental changes such as decreases in the coefficient of friction of the road on which the vehicle travels.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Harada et al. (JP 10-278762) in view of Mine et al. as applied to claim 1 above, and further in view of Ikemoto et al. Ikemoto et al. teach in col. 3 lines 28 the use of the rate of change of the steering angle in the control of vehicle over-roll. Harada et al. teach in col. 9 lines 30-32 that yaw rate, which is affected by lateral acceleration, is computed on the basis of steering angle. It would have been obvious to one of ordinary skill in the art to have constructed the control device of Harada et al., as modified, such that the second parameter was substantially proportional to the change rate of steering angle, as taught by Ikemoto et al. and Harada et al., in order to provide an alternate threshold for promoting increased deceleration.

Allowable Subject Matter

4. Claims 3, 5, and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 703-306-4618. The examiner can normally be reached on Monday-Friday (7:30 AM-4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Oberleitner can be reached on 703-308-2569. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

7. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


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mmb

May 18, 2001


DOUGLAS C. BUTLER
PRIMARY EXAMINER
5/21/01
AU 3613